

REISSUE**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Leonard H. Bieman
Serial No.: 09/111,978
Filed: July 8, 1998
Title: SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN
OBJECT AT A VISION STATION

Examiner: Hoa Q. Pham
Group Art Unit: 2877
Atty Docket: 139.04USR

SUPPLEMENTAL DECLARATION OF INVENTOR
AFTER AMENDMENT OF OCTOBER 30, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

FAX COPY RECEIVED
JAN 02 2001
TECHNOLOGY CENTER 2800

I, Leonard H. Bieman, hereby declare as follows:

1. I am a citizen of the United States, whose residence and post office address is:
3390 Harbours Blvd.
Waterford, MI 48328, USA.
2. I believe that I am the original, first, and sole inventor of the invention disclosed and claimed in U.S. Patent No. 5,646,733, issued on July 8, 1997, entitled "SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN OBJECT AT A VISION STATION," and described and claimed in the accompanying application for which I solicit a reissue patent.
3. I have reviewed and understand the contents of the specification and claims of the reissue application, as amended by the Preliminary Amendment filed on July 8, 1998, and as further amended by the amendments filed January 18, 2000 and October 30, 2000. I, the below-named Declarant/Applicant, have examined each of said amendments of January 18, 2000 and October 30, 2000 and declare that any errors existing therein and/or corrected therein arose without deceptive intent on my part.
4. I do not believe that the invention set forth herein was ever known or used in the United States before the invention thereof by me.
5. I acknowledge the duty to disclose all information known to me which is material to the examination to the reissue application in accordance with 37 C.F.R. § 1.56(a).

DECLARATION OF INVENTOR

Application for Reissue of U.S. Patent No. 5,646,733 (Serial No. 08/593,095)

Docket: 139.045USR

Title: SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN OBJECT AT A VISION STATION

6. After reading the opinion of outside patent counsel, I believe the above-identified patent is partially inoperative by reason of claiming less than I, the inventor, had a right to claim in the patent. Such inoperativeness includes particularly the failure to prosecute and obtain claims commensurate with the scope of new claims 28-85 filed in the reissue application.
7. More particularly, I declare that I believe the claims of the patent were determined to be insufficient to protect the invention disclosed in the specification during a review of the 5,646,733 patent by Charles A. Lemaire, outside patent counsel for PPT Vision, Inc. being the assignee of the present invention, beginning in approximately September 1997 a part of an investigation of the patent prior to a license and later purchase of the patent from the original assignee, Medar, Inc., and culminating in the reissue application.
8. U.S. application Serial No. 08/593,095 was filed on January 29, 1996 with twenty-seven claims. The claims were originally rejected under 35 U.S.C. § 103 over Kuchel (5,135,308) in view of Bullock et al. (5,488,478) in a first Office Action mailed 8/13/96.
9. The claims 1 and 14 of U.S. application Serial No. 08/593,095 were amended in an Amendment and Response filed November 12, 1996. The amendment was entered accordingly and the claims as amended issued (some renumbered) as claims 1-27 in U.S. Patent No. 5,646,733.
10. After reading the opinion of outside patent counsel, I now believe that other patentably distinct independent claims are possible for claiming aspects of the invention. The existing independent claims 1 and 14 contain limitations or features which, if eliminated, result in patentably distinct claims. In particular, the requirement of moving at a substantially constant velocity and having substantially uniformly spaced detector elements are unnecessarily limiting and can be deleted without adding new matter.
11. New claim 30 is an independent claim and has eliminated the above-noted limitations present in claim 1, but contains other limitations that make it narrower than the original claim 1. New claim 42 is an independent claim and has eliminated the above-noted limitation present in claim 14, but contains other limitations that make it narrower than

Page 3

DECLARATION OF INVENTOR

Application for Reissue of U.S. Patent No. 5,646,733 (Serial No. 08/503,095)

Docket: 139.045USR

Title: SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN OBJECT AT A VISION STATION

the original claim 1. Thus these claims avoid the prohibition against recapture of the same or broader scope of cancelled claims (*Ball Corp. v. United States*, 221 USPQ 289,295 (CAFC 1984)).

12. On information and belief, I further declare that the reasons which render U.S. Patent No. 5,646,733 partially inoperative, and all errors being corrected in the reissue application up to the time of the filing of this oath or declaration, arose without any fraudulent or deceptive intention on my part, and, as the reissue applicant, upon being informed of the significance of the foregoing facts, I concur in the filing of the reissue application by the assignee.
13. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the reissue application or any patent issuing thereon.

Dated:

December 16, 2000

Leonard H. Bieman

Residence: 3390 Harbours Blvd.

Waterford, MI 48328

Citizenship: U.S.A.

FAX COPY RECEIVED

JAN 02 2001

TECHNOLOGY CENTER 2800



P.B.5818,- Patentaan 2
2260 HV Rijswijk (ZH)
+31 70 340 2040
TX 31051 epo nl
FAX +31 70 340 3016

Europäisches
Patentamt

Zweigstelle
in Den Haag
Recherchen-
abteilung

European
Patent Office

Branch at
The Hague
Search
division

Office européen
des brevets

Département à
La Haye
Division de la
recherche

Beresford, Keith Denis Lewis
BERESFORD & Co.
High Holborn
2-5 Warwick Court
London WC1R 5DJ
GRANDE BRETAGNE

RECEIVED
17 APR 2000
BERESFORD & Co.

Datum/Date

13.04.00

Zelchen/Ref./Réf. CF/1f/5277930	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°. 97904812.1-2213-US9700853
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire Medar, Inc.	

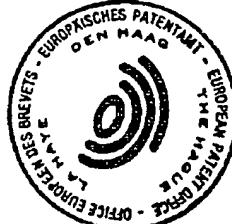
COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

Report S/R
Entered By: JMG
Due: 27/4/00
Bring Up 20/4/00



REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.



SUPPLEMENTARY
EUROPEAN SEARCH REPORT

DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int.Cl.)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
X,D	US 4 212 073 A (BALASUBRAMANIAN N) 8 July 1980 (1980-07-08) * abstract; figure 2 *	1,2,14, 15	G01B11/24 G01B9/00
A	US 5 085 502 A (OUTTERSON DAVID H ET AL) 4 February 1992 (1992-02-04) * abstract; figure 11A *	1,14	
A	US 5 343 294 A (KUCHEL MICHAEL ET AL) 30 August 1994 (1994-08-30) * abstract; figures 1,2 *	1,14	
A	US 5 319 445 A (FITTS J.M) 7 June 1994 (1994-06-07) * column 8; figure 1 *	3,16	
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			TECHNICAL FIELDS SEARCHED (Int.Cl.)
			G01B
1	Place of search BERLIN	Date of completion of the search 3 April 2000	Examiner Vorropoulos, G
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document			
T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document			

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 97 90 4812

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report.
The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

03-04-2000

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
US 4212073	A	08-07-1980	NONE		
US 5085502	A	04-02-1992	DE	3813692 A	17-11-1988
			FR	2614691 A	04-11-1988
			GB	2204397 A,B	09-11-1988
US 5343294	A	30-08-1994	DE	4007502 A	12-09-1991
			DE	59102307 D	01-09-1994
			EP	0451474 A	16-10-1991
			JP	4220510 A	11-08-1992
			US	5135308 A	04-08-1992
US 5319445	A	07-06-1994	AU	4843793 A	29-03-1994
			WO	9405968 A	17-03-1994